

BILL NO. 92-72

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 92-72

Introduced by Council President Wilson at the request of the County Executive
Legislative Day No. 92-26 Date September 8, 1992

AN ACT to repeal and reenact with amendments Subsections A, B, C and D of Section 256-13, Water and Sewer Plan, of Article I, General Provisions, of Chapter 256, Water and Sewers, of the Harford County Code, as amended, to provide for the revision of the annual update, and to further provide for the revision of the costs associated with requests for plan revisions which require action at times other than the scheduled updates.

By the Council, September 8, 1992

Introduced, read first time, ordered posted and public hearing scheduled
on: October 6, 1992

at: 6:45 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on October 6, 1992, and concluded on, October 6, 1992

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 Section 1. Be It Enacted by the County Council of Harford County,
2 Maryland, that Section 256-13, Water and Sewer Plan, of Article I,
3 General Provisions, of Chapter 256, Water and Sewers, of the
4 Harford County Code, as amended, be, and is hereby, repealed and
5 reenacted with amendments, all to read as follows:

6 Chapter 256. Water and Sewers.

7 Article I. General Provisions.

8 Section 256-13. Water and Sewer Plan.

9 The Water and Sewer Plan is adopted and amended in accordance
10 with state law and regulations of the State Department of [Health
11 and Mental Hygiene] THE ENVIRONMENT.

12 A. It shall be the duty and responsibility of the Director
13 OF THE DEPARTMENT OF PUBLIC WORKS to ensure that timely
14 reviews and amendments of the Water and Sewer Plan are
15 recommended to the Council.

16 B. The Director OF THE DEPARTMENT OF PUBLIC WORKS shall
17 ensure that, no later than the first legislative session
18 in the [month] MONTHS of [October] MARCH AND SEPTEMBER of
19 each year, a review of the plan and any recommendations
20 [he] HE/SHE may have are forwarded to the Council in a
21 form and manner that, upon adoption by the Council AND
22 APPROVAL BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT,
23 may be inserted in the current plan as new page inserts
24 or adopted as [a] new [plan] PLAN [in toto].

25 C. IT IS THE RESPONSIBILITY OF THE OWNER OF A PROPERTY, OR
26 A DESIGNATED REPRESENTATIVE OF THE OWNER OF A PROPERTY,

1 TO SUBMIT A REQUEST IN WRITING TO HAVE THE STATUS OF
2 THEIR PROPERTY AMENDED IN THE WATER AND SEWER MASTER
3 PLAN. All requests for amendments to the Water and Sewer
4 Plan shall be filed with the Department of Public Works
5 [which] WHO shall review and forward the [requests]
6 REQUEST to the Council with such recommendations as it
7 shall deem appropriate. [All costs of reviews and
8 amendments incurred by the county pursuant to requests by
9 private parties for amendments to the Water and Sewer
10 Plan shall be borne by those parties. Advertisement
11 costs shall be paid prior to the holding of each public
12 hearing, and advance payments may be required by the
13 Council Secretary. The Department may require the
14 execution of an agreement by the party requesting the
15 amendments to pay the expenses pursuant to the request.]
16 ALL SUCH REQUESTED REVISIONS SHALL BE SUBMITTED BY THE
17 DEADLINES OF FEBRUARY 1 OR AUGUST 1 AS IS APPROPRIATE TO
18 THE NEXT SEMI-ANNUAL UPDATE OF THE PLAN. SHOULD A
19 PROPERTY OWNER REQUIRE THE AMENDMENT WITHIN SIX (6)
20 MONTHS OF THE DEADLINE FOR APPLICATION FOR THE PREVIOUS
21 UPDATE, A FIXED PROCESSING FEE OF \$2,000 SHALL BE BORNE
22 BY THAT PARTY.

23 D. [All amendments or revisions to or reenactments of the
24 Water and Sewer Plan shall be effective at the time the
25 County Council takes its action on the amendment,
26 revision or reenactment. All actions of the county and

1 persons whose actions are affected by the Water and Sewer
2 Plan shall be guided and controlled by the amendments,
3 revisions or reenactments as adopted, until actions to
4 the contrary are required by the Secretary of the
5 Department of Health and Mental Hygiene for the state.]

6 ALL AMENDMENTS TO, REVISIONS TO, OR REENACTMENTS OF THE
7 WATER AND SEWER PLAN SHALL BE EFFECTIVE AFTER THE COUNTY
8 COUNCIL TAKES ITS ACTION ON THE AMENDMENT REVISION OR
9 REENACTMENT AND AFTER MARYLAND DEPARTMENT OF THE
10 ENVIRONMENT APPROVAL.

11 E. A DULY ADVERTISED PUBLIC HEARING WILL BE CONDUCTED AFTER
12 WHICH THE COUNTY COUNCIL WILL OFFICIALLY ADOPT OR REJECT
13 THE AMENDMENT(S) OR REVISION(S). THE COUNTY COUNCIL'S
14 ADOPTION OF AN AMENDMENT OR REVISION TO THE PLAN DOES NOT
15 GUARANTEE THAT AN OWNER WILL BE PERMITTED TO DEVELOP THE
16 PROPERTY.

17 F. THE REVISED PLAN WILL THEN BE SUBMITTED TO THE MARYLAND
18 DEPARTMENT OF THE ENVIRONMENT FOR STATE REVIEW AND
19 APPROVAL.

20 G. ALL REVIEWS OF THE PLAN SHALL INCLUDE A REVIEW OF THE
21 EFFECT ANY CHANGES MAY HAVE ON THE FUNDING OF THE SYSTEM.

22 H. WHEN DECIDING WHETHER TO CHANGE THE STATUS OF A PROPERTY
23 IN THE PLAN, THE COUNTY COUNCIL MAY CONSIDER ANY OF THE
24 FOLLOWING ITEMS THAT HAVE NOT BEEN COMPLETELY ADDRESSED
25 BY THE PRELIMINARY PLAN APPROVAL PROCESS:

26 (1) THE CAPACITY OF THE SECTION OF THE WATER OR
27 SEWERAGE SYSTEM IN QUESTION;

1 (2) THE NEED FOR ADDITIONAL REVENUE TO SUPPORT CAPITAL
2 PROGRAMS;

3 (3) THE PROBABILITY OF DEVELOPMENT OCCURRING WITHIN AN
4 APPROPRIATE TIME FRAME;

5 (4) A SPECIFIC ISSUE OF ENVIRONMENTAL PROTECTION;

6 (5) A SPECIFIC ISSUE OF PUBLIC HEALTH AND SAFETY;
7 AND/OR

8 (6) THE ADEQUACY OF OTHER FACILITIES IN THE AREA.

9 I. THE COUNCIL MAY CHOOSE TO REJECT A PROPOSED CHANGE FOR A
10 PROPERTY IF ADEQUATE INFORMATION IS NOT AVAILABLE TO
11 JUDGE THE APPROPRIATENESS OF THE PROPOSED CHANGE UNDER
12 SECTION 267-104 OF THIS CODE.

13 Section 2. And Be It Further Enacted that this Act shall take
14 effect sixty (60) calendar days after the date it becomes law.

EFFECTIVE: December 21, 1992

The Secretary of the Council does hereby
certify that fifteen (15) copies of this bill
are immediately available for distribution to
the public and the press.

Doris Poulsen, Secretary

HARFORD COUNTY BILL NO. 92-72(Brief Title) Revision to Annual Water & Sewer Update

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Doris Poulsen
Secretary of the Council

[Signature]
President of the Council

Date October 20, 1992Date October 20, 1992

BY THE COUNCIL

Read the third time.

Passed: LSD 92-31 (October 20, 1992)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive for approval this 21st day of October, 1992 at 3:00 P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

Gilbert M. Rehmman
COUNTY EXECUTIVE

APPROVED:

Date October 22, 1992

BY THE COUNCIL

This Bill, (No. 92-72), having been approved by the Executive and returned to the Council, becomes law on October 22, 1992.

Doris Poulsen, Secretary

EFFECTIVE DATE: December 21, 1992